

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE: BP P.L.C. SECURITIES  
LITIGATION

MDL No. 2185  
Civil Action No. 4:10-md-02185

Hon. Keith P. Ellison

*Document relates to the ERISA ACTIONS:*

Whitley v. BP P.L.C., et al., No. 4:10-cv-04214  
(S.D. Tex.)

Moule v. BP Corp. North America, Inc., et al.,  
No. 4:10-cv-04289 (S.D. Tex.)

Arshadullah, et al. v. BP P.L.C., et al., No.  
4:10-cv-04294 (S.D. Tex.)

Humphries v. BP Corp. North America, Inc.,  
et al., No. 4:10-cv-04300 (S.D. Tex.)

McGuire v. BP Corp. North America, Inc., et  
al., No. 4:10-cv-04301 (S.D. Tex.)

Mineman v. BP Corp. North America, Inc., et  
al., No. 4:10-cv-04305 (S.D. Tex.)

Riely v. BP Corp. North America, Inc., et al.,  
No. 4:10-cv-04306 (S.D. Tex.)

Soesman v. BP Corp. North America, Inc., et  
al., No. 4:10-cv-04307 (S.D. Tex.)

**PLAINTIFFS' AMENDED MOTION FOR ENTRY OF [PROPOSED] ORDER  
APPOINTING INTERIM CO-LEAD AND LIAISON COUNSEL**

Plaintiffs Charis Moule, Jerry T. McGuire and Maureen S. Riely (the "ERISA Plaintiffs"), respectfully submit this Amended Motion for Appointment of Interim Co-Lead and Liaison Counsel.

There are eight (8) class actions pending in this District alleging breaches of fiduciary duty under the Employee Retirement Income Security Act of 1974 (“ERISA”), against BP p.l.c. (“BP”) and other fiduciaries (collectively, “Defendants”) of several BP employee retirement benefits plans (collectively, “Plan”) on behalf of Plan participants and beneficiaries (collectively, “ERISA Actions”), namely:

- (1) *Ralph Whitley v. BP P.L.C., et al.*, No. 4:10-cv-04214 (S.D. Tex.);
- (2) *Charis Moule v. BP Corp. North America, Inc., et al.*, No. 4:10-cv-04289 (S.D. Tex.);
- (3) *Syed Arshadullah, et al. v. BP P.L.C., et al.*, No. 4:10-cv-04294 (S.D. Tex.);
- (4) *David M. Humphries v. BP Corp. North America, Inc., et al.*, No. 4:10-cv-04300 (S.D. Tex.);
- (5) *Jerry T. McGuire v. BP Corp. North America, Inc., et al.*, No. 4:10-cv-04301 (S.D. Tex.);
- (6) *Edward F. Mineman v. BP Corp. North America, Inc., et al.*, No. 4:10-cv-04305 (S.D. Tex.);
- (7) *Maureen S. Riely v. BP Corp. North America, Inc., et al.*, No. 4:10-cv-04306 (S.D. Tex.); and
- (8) *Thomas P. Soesman v. BP Corp. North America, Inc., et al.*, No. 4:10-cv-04307 (S.D. Tex.).

On July 30, 2010, ERISA Plaintiffs filed a motion in the Northern District of Illinois for entry of a proposed order consolidating the ERISA Actions and appointing their selection of counsel in this litigation as Interim Co-Lead and Liaison Counsel. Thereafter, the Judicial Panel on Multidistrict Litigation transferred the ERISA Actions to the Southern District of Texas, Houston Division, for inclusion in the coordinated or consolidated pretrial proceedings occurring before this Court in MDL No. 2185.<sup>1</sup> ERISA Plaintiffs now seek to renew and amend their

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<sup>1</sup> See Conditional Transfer Order in Case No. 10-cv-04289, transferring the *Moule*, *Arshadullah*, and *Whitley* actions. (Dkt. No. 61). See also Conditional Transfer Order in Case No. 10-cv-04301, transferring the *Humphries*, *McGuire*, *Mineman*, *Riely* and *Soesman* actions. (Dkt. No. 26).

motion to appoint Milberg LLP and Harwood Feffer LLP as Interim Co-Lead Counsel and the Lanier Law Firm as Liaison Counsel to act on behalf of plaintiffs and the proposed class in the consolidated ERISA action.

Counsel for ERISA Plaintiffs have conferred with counsel for Defendants who take no position regarding the proposed leadership structure.

Counsel for ERISA Plaintiffs have also conferred with counsel for plaintiffs in the remaining ERISA Actions who oppose the leadership structure proposed in this amended motion.

In support of this motion, ERISA Plaintiffs rely on the contemporaneously filed Memorandum of Law and the Declaration of W. Mark Lanier In Support of Plaintiffs' Amended Motion for Entry of [Proposed] Order Appointing Interim Co-Lead and Liaison Counsel, dated November 24, 2010.

Wherefore, Plaintiffs respectfully request that the Court appoint Milberg LLP and Harwood Feffer LLP as Interim Co-Lead Counsel and The Lanier Law Firm as Interim Liaison Counsel after the actions are consolidated into a single action for all purposes pursuant to Fed. R. Civ. P. 42(a).

Dated: November 24, 2010

/s/ W. Mark Lanier  
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*Proposed Interim Co-Lead Counsel for  
Plaintiffs*

**Certificate of Conference for Plaintiffs' Amended Motion for Entry of the [Proposed]  
Order Appointing Interim Co-Lead and Liaison Counsel**

Proposed Interim Co-Lead and Liaison Counsel conferred with Marvin Miller, counsel for plaintiffs Charis Moule, Jerry T. McGuire, and Maureen S. Riely and Thomas J. McKenna, counsel for plaintiff Thomas P. Soesman. Mr. Miller and Mr. McKenna support the counsel leadership structure proposed in this amended motion.

Counsel for plaintiffs Syed Arshadullah, Ron Pierce, Ralph Whitley, Edward F. Mineman, and David M. Humphries oppose the counsel leadership structure proposed in this amended motion. On November 22, 2010, Bob Khurana, Jeffrey Norton and Thomas J. McKenna conferred with Thomas Ajamie regarding this motion. During the conference, Mr. Ajamie indicated that he and his colleagues from the Arshadullah, Pierce, Whitley, Mineman and Humphries actions oppose the proposed leadership structure described in this motion. Shortly thereafter, Bob Khurana conferred with Ron Kravitz who confirmed on November 24, 2010 that he and his colleagues from the Arshadullah, Pierce, Whitley, Mineman and Humphries actions oppose the proposed leadership structure described in this motion.

On November 22, 2010, Bob Khurana, Jeffrey Norton and Thomas J. McKenna called Marc De Leeuw of Sullivan & Cromwell LLP, counsel for BP defendants, to discuss this motion. Mr. De Leeuw indicated that BP takes no position on the proposed plaintiffs' leadership structure.

On November 22, 2010, Bob Khurana, Jeffrey Norton and Thomas J. McKenna called Wilber H. Boies of McDermott Will & Emory, counsel for State Street Bank and Trust Co., to discuss this motion. Mr. Boies indicated that State Street Bank takes no position on the proposed plaintiffs' leadership structure.

/s/ W. Mark Lanier

**CERTIFICATE OF SERVICE BY ELECTRONIC MEANS**

I hereby certify that on November 24, 2010, service of the foregoing *Plaintiffs' Amended Motion for Entry of the [Proposed] Order Appointing Interim Co-Lead and Liaison Counsel, Memorandum of Law in Support of Plaintiffs' Amended Motion for Appointment of Interim Co-Lead Counsel and in Opposition to the Motion of Plaintiffs Whitely and Humphries*, and the *Declaration of W. Mark Lanier* was accomplished pursuant to ECF as to Filing Users and upon the following individuals via email:

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